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JUN 03 2008

**OFFICE OF PETITIONS**

In re Application of  
Hank Kleban  
Application No.: 09/800871  
Filing or 371(c) Date: 03/07/2001  
Attorney Docket Number: P00-132-KLE:

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DECISION ON  
PETITION

This is a decision in response to the petition to revive an application unintentionally abandonment under 37 CFR 1.137(b), filed December 3, 2007. The delay in treating this petition is regretted.


This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed July 16, 2002. The Office communication set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been filed, the application became abandoned September 17, 2002. A Notice of Abandonment was mailed February 21, 2003.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply; (2) the petition fee; (3) and a proper statement of unintentional delay. Accordingly, the failure to respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed July 16, 2002 is accepted as being unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 3616 for processing of the response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions